

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ISAIAH N. WILLIAMS,
Plaintiff,
v.
DEBRA WILLIAMS,
Defendant.

No. C 07-4464 CW
ORDER DENYING
MOTION FOR RELIEF
FROM
NONDISPOSITIVE
PRETRIAL ORDER OF
MAGISTRATE JUDGE

On May 16, 2013, Plaintiff Isaiah Williams moved for discovery sanctions against Defendant Debra Williams "for spoliating and failing timely to produce evidence, as well as making misrepresentations regarding the same." Docket No. 146. In particular, Plaintiff alleged that Defendant and her employer, the California Department of Corrections and Rehabilitation (CDCR), withheld certain photographs and training records that Plaintiff had requested several months earlier. On June 20, 2013, Magistrate Judge Beeler denied Plaintiff's motion for sanctions. See Docket No. 179. Her order noted that Plaintiff had received the photographs he requested on May 7, 2013, more than a full week before he filed his motion and two full months before trial was set to begin. Id. at 8.


Plaintiff filed the instant motion on June 25, 2013, seeking relief from Judge Beeler's order. He asks the Court to reconsider his earlier requests to (1) bar Defendant from using photographs of Plaintiff during her opening statement and (2) allow Plaintiff to state during his opening and closing statements that Defendant and CDCR withheld evidence.

1 This motion is DENIED. After reviewing Judge Beeler's order,
2 as well as the parties' briefing on the matter, the Court finds
3 that Judge Beeler's order is neither "clearly erroneous" nor
4 "contrary to law." Fed. R. Civ. P. 72(a). Accordingly, both
5 parties may use the photographs of Plaintiff during their opening
6 statements, subject to the Federal Rules of Evidence.
7 Furthermore, Plaintiff may not assert that Defendant and CDCR
8 withheld evidence without presenting admissible evidence to
9 support that assertion.

10 Nothing in this order shall prevent Plaintiff from presenting
11 evidence at trial that any of Defendant's witnesses, including
12 Defendant herself, misrepresented the existence or availability of
13 any CDCR photographs or records. Evidence of such
14 misrepresentations by specific CDCR officers and officials is
15 relevant to the credibility of those officers and officials and,
16 as such, may be introduced for impeachment purposes.

17 IT IS SO ORDERED.

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19 Dated: 7/3/2013

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CLAUDIA WILKEN
United States District Judge